Items under Cenaral Licence Scheme

6296. SYED SIBTEY RAZI:

SHRI SURESH KALMADI:

Will the Minister of COMMERCE be pleased to state:

(a) whether Government have decided to pat sugar, oil, cotton, and other items under the Open General Licence Scheme;

(b) if so, the details thereof with background for such a move;

(c) whether some results are expected to be achieved with this move; and

(d) if so, the details thereof and if not, the further steps proposed to be taken in this regard?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE); (a) to (d) Sugar, raw cotton and edible vegetable palmoline oil have been made freely importable. This will help in augmenting the availability of these items for domestic consumption.

Protection of Micro-OrganUans and Micro-Biological Processes under WTO

6297. SHRI CHIMANBHAI MEHTA:
SHRI G. G. SWELL:

Will the Minister of COMMERCE be pleased to state:

(a) whether it is a fact that microorganisms and micro-biological processes are to be protected under WTO authority;

(b) what is covered by micro-organisms and micro-biological processes and its nature and scope;

(c) whether patents would be given for invention* and not 'discoveries';

(d) what is 'invention* and 'discovery' in the field of the processing microbiology;

(e)whether the product of nature is patentable;

(f) whether. it is a fact that British Medical Association has expressed the view in a report December 1992) that living organism would not be patented;

(g) whether USA has patented[1] living organism; and

(h) if so, what are there patented living organisms?

THE MINISTER OF COMMERCE SHRI PRANAB MUKHERJEE); (a) to (h) Though the TRIPs agreement provides for protection to micro-organisms and non-biological and microbiological processes, the term micro-organism has not been denned in the agreement. It will need to be denned in our law, and government propose to set up an expert group to suggest appropriate changes.

However, the term micro-organism is generally understood to mean tiny-uni-cellular or multiceilular-organisnrn present in nature or artificially derived by mutation of naturally occurring organisms, including viruses, bacteria, protozoa, etc. Micro-biological processes are inter alia used in the prepartion of chemical substances and mutation of existing micro-organisms.

To obtain a patent an invention has to meet, amongst others, the three basic requirements of being new, involving an inventive step and being capable of industrial application.

There are divergent views on the patenting--of life forms, and patent prac-tieeji are not harmonized even amongst the deloped 'counters. The US is reported to have gone the fartherest in this directions and issued patents for *rahdind* from vruses and bic-teria to mice.